

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

PAR PHARMACEUTICAL, INC.,)
PAR STERILE PRODUCTS, LLC, and)
ENDO PAR INNOVATION)
COMPANY, LLC,)

Plaintiffs,

V.

EAGLE PHARMACEUTICALS INC.,)

Defendant.

C.A. No. 18-823-CFC-JLH

PUBLIC VERSION

**LETTER TO THE HONORABLE COLM F. CONNOLLY
FROM DAVID E. MOORE**

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December 9, 2021 (Public Version Dated: December 10, 2021)

VIA ELECTRONIC FILING

PUBLIC VERSION

The Honorable Colm F. Connolly
United States District Judge
J. Caleb Boggs Federal Building
844 N. King Street
Wilmington, DE 19801-3555

Re: Par Pharm., Inc. v. Eagle Pharm., Inc., C.A. No. 18-823-CFC-JLH

Dear Chief Judge Connolly:

We write to inform the Court of time-sensitive motion practice that may begin shortly.

As the Court may recall, the deadline for the FDA to respond to Eagle's ANDA is December 15, 2021. While there can be no guarantee, Eagle does expect the FDA to approve its ANDA, and has publicly indicated it plans to launch reasonably soon after approval.

Par had previously indicated to the Court and Eagle that it would pursue injunctive relief to prevent Eagle from launching. Eagle expected that Par would have already made such a filing, and contacted Par on December 2, 2021 to see if Par planned to do so, and if so, discuss a schedule to try to do so in as prompt and orderly a fashion as possible. Par confirmed that it plans to seek to enjoin Eagle's launch. Although the parties are continuing to discuss the process, Eagle believes that Par should make any filings as soon as possible so the process can begin, and in the meantime, felt it prudent to alert the Court to this possibility now to mitigate an already complex scheduling scenario next week.

We are available to discuss these matters at the Court's convenience.

Respectfully,

/s/ David E. Moore

David E. Moore

The Honorable Colm F. Connolly

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cc: Clerk of the Court (via hand delivery)
Counsel of Record (via electronic mail)